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8 [Proposed] Attorneys for Debtor and Debtor in Possession CRCH, LLC

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**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**LOS ANGELES DIVISION**

In re ) Case No. 2:17-bk-20270-BR  
)  
CRCH, LLC, a Delaware Limited Liability ) Adv. No.  
Company )  
) Chapter 11  
Debtor. )  
\_\_\_\_\_ )

U.S. BANK NATIONAL ASSOCIATION, AS ) **NOTICE OF REMOVAL**  
) **[FRBP Rule 9027, 28 U.S.C. 1452]**  
TRUSTEE FOR THE REGISTERED )  
HOLDERS OF CITIGROUP COMMERCIAL )  
MORTGAGE TRUST 2007-C6, )  
COMMERCIAL MORTGAGE PASS- )  
THROUGH CERTIFICATES, SERIES 2007- )  
C6, )

Plaintiff,

v.

CRCH, LLC, a Delaware Limited Liability  
Company

Defendant.  
\_\_\_\_\_

Date: [No Hearing Set]  
Time:  
Place:

AND RELATED CROSS ACTION  
\_\_\_\_\_

**TO THE HONORABLE JUDGE BARRY RUSSELL, UNITED STATES**  
**BANKRUPTCY JUDGE, OFFICE OF THE UNITED STATES TRUSTEE,**  
**AND ALL PARTIES IN INTEREST:**

1           **NOTICE IS HEREBY GIVEN** that CRCH, LLC (hereinafter “CRCH”),  
2 defendant and cross-complainant in the Superior Court of the State of California for  
3 the County of San Bernardino, entitled U.S. Bank National Association, as Trustee  
4 for the registered holders of Citigroup Commercial Mortgage Trust 2007-C6,  
5 Commercial Mortgage Pass-Through Certificates, Series 2007-C6 v. CRCH, LLC  
6 (and related cross-action), No. CIVDS 1702841, hereby removes this action from  
7 the Superior Court of San Bernardino to the United States Bankruptcy Court for the  
8 Central District of California, Los Angeles Division pursuant to Title 28 United  
9 States Code Section 1452 and Federal Rule of Bankruptcy Procedure Section 9027.  
10

11  
12  
13           1.       On February 21, 2017, an action was commenced in the Superior Court  
14 of the State of California for the County of San Bernardino entitled U.S. Bank  
15 National Association, as Trustee for the registered holders of Citigroup Commercial  
16 Mortgage Trust 2007-C6, Commercial Mortgage Pass-Through Certificates, Series  
17 2007-C6 (“US Bank”) v. CRCH, LLC, No. CIVDS 1702841 (“Removed Case”).  
18 That action sought the imposition of a Receiver on property owned by CRCH that  
19 was subject to a Deed of Trust held by US Bank.

20           2.       CRCH filed a Cross-Complaint in the Removed Case on June 27, 2017  
21 and then an Amended Cross-Complaint in the Removed Case on July 7, 2017. The  
22 Amended Cross-Complaint asserted an action for declaratory relief to enjoin US  
23 Bank from foreclosing on the Property because of fraud in CRCH’s assumption of  
24 the loan by US Bank’s predecessors and agents and three fraud-related causes of  
25 action CRCH has since decided not to pursue.

26           3.       CRCH filed its Chapter 11 proceeding on August 21, 2017.

27           4.       The Removed Case is a case relating to the bankruptcy case and is not a  
28 proceeding before the United States Tax Court nor is it a civil action by a

1 government unit to enforce such governmental unit's police or regulatory power.

2 As such, the United States District Court for the Central District of California has  
3 jurisdiction of the Removed Case pursuant to 28 USC Section 1334(b). Therefore,  
4 pursuant to 28 USC Section 1452(a) the Removed Case may be removed to the  
5 District Court.

6 5. By the District Court's general order, the District Court has referred to  
7 the bankruptcy judges for this district all cases under Title 11 and all proceedings  
8 under Title 11 or arising in or related to a case under Title 11. That includes the  
9 Removed Case.

10 6. Bankruptcy Rule 9027(a)(2) provides: "If the claim or cause of action  
11 in a civil action is pending when a case under the Code is commenced, a notice of  
12 removal may be filed only within the longest of (A) 90 days after the order for relief  
13 in the case under the Code or (B) 30 days after entry of an order terminating a stay,  
14 if the claim or cause of action in the civil action has been stayed under Section 362  
15 of the Code..."

16 7. In this case, the order for relief was filed on August 21, 2017. This  
17 Notice of Removal is thus timely filed.

18 8. The Removed Case, concerns claims asserted against property of the  
19 bankruptcy estate as well as the resolution of Debtor's claims against US Bank and  
20 is thus a core proceeding within the meaning of, among others, 28 USC Sections  
21 157(b)(2)(A), (B) and (C). Pursuant to Bankruptcy Rule 9027(a)(1), and to the  
22 extent that any issues are determined to be "non-core" the removing party consents  
23 to the entry of final orders or judgments by the bankruptcy judge.

24 9. Promptly after filing hereof, the undersigned shall file a copy of this  
25 notice with the Clerk of the Superior Court for the County of San Bernardino.

26 **NOW, THEREFORE**, all parties to the Removed Case are **hereby notified**,  
27 pursuant to Rule 9027(e) of the Federal Rules of Bankruptcy Procedure, as follows:

28 Removal of the Removed Case and all claims and causes of action therein

1 was effected upon the filing of a copy of this notice of removal with the clerk of the  
2 state court pursuant to Rule 9027(c) of the Federal Rules of Bankruptcy Procedure.  
3 The State Court Action is removed from the state court to the United States  
4 Bankruptcy Court for the Central District of California, Los Angeles Division.

5 The parties to the Removed Case shall proceed no further in the state court  
6 unless and until the action is remanded by the Bankruptcy Court.  
7

8 DATED: August 29, 2017

ERVIN COHEN & JESSUP LLP  
Howard I. Camhi

By: 

Howard I. Camhi  
Attorneys for orneys for Debtor and Debtor in  
Possession CRCH, LLC

ERVIN COHEN & JESSUP<sup>LLP</sup>

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

9401 Wilshire Blvd. 9<sup>th</sup> Floor, Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (*specify*): NOTICE OF REMOVAL [FRBP Rule 9027, 28 U.S.C. 1452] will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On August 29, 2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Jerome Bennett Friedman jfriedman@flg-law.com, msobkowiak@flg-law.com;jmartinez@flg-law.com
- Amir Gamliel agamliel@perkinscoie.com, cmallahi@perkinscoie.com;DocketLA@perkinscoie.com
- Ron Maroko ron.maroko@usdoj.gov
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On August 29, 2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Hon. Barry Russell  
U.S. Bankruptcy Court  
255 E. Temple St., Suite 1660  
Los Angeles, CA 90012

David M. Neff  
Perkins Coie LLP  
131 S. Dearborn St., #1700  
Chicago, IL 60603

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on August \_\_\_\_, 2017, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 29, 2017      KIMBERLY ANTHONY  
Date                      Printed Name

/s/Kimberly Anthony  
Signature